

Amendment to SB 563-FN

1 Amend RSA 103-A:3 as inserted by section 1 of the bill by replacing it with the following:

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3 103-A:3 Cooperation with Federal Immigration Authorities.

4 I. A law enforcement agency shall, to the extent possible and their ability to safely do so,
5 comply with immigration detainers discovered during the investigation of a violation of New
6 Hampshire law. Unless otherwise authorized by law, no New Hampshire law enforcement agency
7 shall investigate or take part in investigations related to a person's citizenship status, unless it is
8 subsequent to an alleged violation of New Hampshire law. No agency shall have an explicit or
9 implied blanket policy against honoring immigration detainers. Any agency refusing to honor an
10 immigration detainer shall report each such refusal to the attorney general in a time, form, and
11 manner to be prescribed by the attorney general or the attorney general's designee.

12 II. Except as otherwise expressly prohibited by federal law, a state entity, local
13 governmental entity, or law enforcement agency, or an employee, an agent, or a representative of the
14 entity or agency, may not prohibit or in any way restrict a law enforcement agency from taking any
15 of the following actions with respect to information regarding a person's immigration status:

16 (a) Sending the information to or requesting, receiving, or reviewing the information
17 from a federal immigration agency for the purposes of this chapter.

18 (b) Recording and maintaining the information for purposes of this chapter.

19 (c) Exchanging the information with a federal immigration agency or another state
20 entity, local governmental entity, or law enforcement agency for purposes of this chapter.

21 (d) Using the information to comply with an immigration detainer.

22 (e) Using the information to confirm the identity of a person who is detained by a law
23 enforcement agency.

24 III. This section does not apply to any alien unlawfully present in the United States if he or
25 she is or has been a necessary witness or victim of a crime of domestic violence, rape, sexual
26 exploitation, sexual assault, murder, manslaughter, assault, battery, human trafficking, kidnapping,
27 false imprisonment, involuntary servitude, fraud in foreign labor contracting, blackmail, extortion,
28 or witness tampering, unless an immigration detainer is on file for the person and the nature of the
29 reason for the detainer is that the person is wanted for involvement in a similar crime to those
30 listed, or the person is wanted for reasons related to terrorism, or the person is noted as being
31 dangerous on the detainer, or the totality of the circumstances would lead a reasonable officer to
32 conclude that the person's release would put the public in danger. In any such case, the agency shall

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- 1 work with the federal immigration authorities to help ensure the availability of the person to
- 2 participate in the prosecution of the state crime.